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February 10, 2009

Mr. Cody S. Wheeler
Regulatory Project Manager
U.S. Army Corps of Engineers
601 E. 12th Street, Room 706
Kansas City, MO 64106

Re: Scoping Comments for Environmental Impact Statement,
Commercial Dredging of Sand & Gravel from the Missouri River

Dear Mr. Wheeler:

On behalf of the Missouri Attorney General's Office, I am writing to provide comments on the U.S. Army Corps of Engineers' (Corps) proposed plan to prepare an Environmental Impact Statement (EIS) to analyze the direct, indirect and cumulative effects of continued commercial sand and gravel dredging in the Missouri River.

Riverbed degradation. The stated purposed of the EIS is to address the impact of commercial dredging on bed degradation. However, the EIS will not be considering other potential causes of bed degradation, such as the decrease in sediment supply from upstream dam retention and in-stream structures designed to self-scour the main channel. Unless the Corps' analysis extends to a study of all factors that potentially contribute to bed degradation on the Lower Missouri River, the analysis as applied to commercial dredging will be inherently flawed. Even though a Degradation Reconnaissance Study is currently underway, it is unclear when a comprehensive study will be complete. To the extent possible, the Corps should consider these and other contributing factors to bed degradation in the Commercial Dredging EIS, especially before making decisions that could have wide ranging adverse impacts to our state's economy.

Potential Economic Impacts Reducing or Eliminating Commercial Dredging. The Missouri Department of Transportation (MoDOT) and the Missouri Department of Natural Resources (MDNR) have provided you with documentation regarding the amount of Missouri River sand used in Missouri highway projects in the last seven years. Additionally, MoDOT anticipates that if sand and gravel dredging in the Missouri River is eliminated, it could cost the state \$10-\$13 million to haul the needed sand by truck from other sand sources. This and other economic scenarios should be considered when evaluating the potential local and regional

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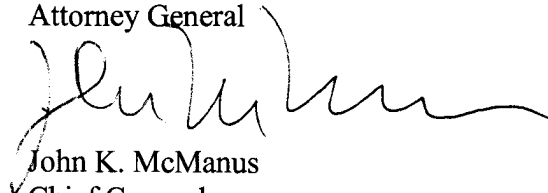
economic impacts from reducing or eliminating sand and gravel dredging. Appropriate increases to these numbers should be used if the proposed federal economic stimulus package is enacted and Missouri highway construction projects are increased accordingly. Private commercial needs for river sand should also be included in the analysis.

Potential Impacts to Human Health and the Environment. In addition to the economic impacts from reducing or eliminating commercial sand and gravel dredging, the Corps should consider the potential adverse impacts to human health and the environment if the sand is required to be trucked across the state from remote sources. Such impacts could include increased air emissions from trucks and safety issues from increased traffic congestion (especially in urban areas). The EIS should also consider potential environmental impacts caused by alternative sand sources that will no doubt be utilized to fill the gap resulting from the loss or reduction of Missouri River sand. Alternatives such as surface mining operations and increased Mississippi River dredging should be fully evaluated in the EIS.

Thank you for the opportunity to comment on the proposed EIS. If you have any questions, please contact me at 573-751-3321 or Ms. Jennifer Frazier at 573-751-8803.

Sincerely,

CHRIS KOSTER
Attorney General



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JM:jf